

## 2006-02-21

### HIDDEN SPRINGS NEIGHBORHOOD ASSOCIATION MINUTES

#### MEETING OF FEBRUARY 21, 2006

CALL TO ORDER. The meeting was called to order at 7:05 PM at the West Linn Adult Community Center by Acting President, Lynn C. Fox. Other officers in attendance: Donna Baker, Treasurer, Charles Lytle, Acting Secretary.

QUORUM DATA. Eligible members in good standing as of the previous meeting: 14. At 10%, the quorum for this meeting was  $1.4 = 2$ . Only members in good standing can vote. The number of eligible members in good standing in attendance at the start of the meeting was 20. Therefore, the meeting stands as an official meeting of the Neighborhood Association. Twenty five Hidden Springs residents attended during the course of the meeting.

GUEST SPEAKERS. Justin Thorp, Attorney at Law with the firm of Martin Bischoff LLP, representing the American Civil Liberties Union (ACLU).

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#### SPECIAL AGENDA ITEM: BIENNIAL ELECTION OF OFFICERS

Acting President Lynn Fox stated that this meeting marks the beginning of a new, two-year cycle and thus the first order of business would be the nomination and election of officers. The floor was then opened for nominations for the office of President.

Donna Baker nominated Lynn Fox, and the nomination was seconded by Barbara Eden. No other nominations were offered from the floor. Lynn Fox was duly elected by a vote of 21 Aye, 0 Nay, 4 Abstentions. (One member left immediately after this vote.)

The floor was opened for nominations for the office of Vice President. Charles Lytle nominated Harvey Schultz, and the nomination was seconded by Donna Baker. No other nominations were offered from the floor. Harvey Schultz was duly elected by a vote of 20 Aye, 0 Nay, 4 Abstentions.

The floor was opened for nominations for the office of Secretary. Barbara Eden nominated Charles Lytle, and the nomination was seconded by Curt Sommer. No other nominations were offered from the floor. Charles Lytle was duly elected by a vote of 19 Aye, 0 Nay, 4 Abstentions.

The floor was opened for nominations for the office of Treasurer. Charles Lytle nominated Donna Baker, and the nomination was seconded by Lisa Thomas. No other nominations were offered from the floor. Donna Baker was duly elected by a vote of 19 Aye, 0 Nay, 4 Abstentions.

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MINUTES OF THE JANUARY 17, 2006 MEETING. Two typographical errors were noted in the Old Business section of the minutes.

Motion To Approve The Corrected Minutes: Patsy Schultz

Second To The Motion: Curt Sommer

Vote On The Motion: 7 Aye, 0 Nay, 11 Abstentions ? Motion Carried

TREASURER'S REPORT. Treasurer Donna Baker reported a current account balance of \$853.54.

POLICE REPORT. n/a

HSNA POLICE ADVISORY COMMITTEE REPORT. n/a

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TRAFFIC SAFETY COMMITTEE REPORT. President Lynn Fox reported that the City Engineer, Ron Hudson, told her that there was no money available to place a permanent radar sign on either Santa Anita or Hidden Springs. She also reported that the City officially has taken the position that permanent radar signs lose their effectiveness while simultaneously admitting that the two existing permanent signs "appear to have a calming effect on traffic speed. (!!!?) Secretary Charles Lytle noted that he is on the Budget Committee and will put forth a motion during the Committee's FY 06-07 sessions to set money aside for two permanent signs. Ms. Fox reminded members that an Association garage sale is being planned for May, and the proceeds could be used to offset the cost of at least one sign.

OLD BUSINESS. (1) Roberta Schwartz of the Tanner Basin N.A. explained that she was spear heading an effort to persuade METRO to include the Tannler East property in their proposed Green Space package. The owner of the twenty acres is willing to sell the property to METRO if they can come reasonably close to the land value as

developable as commercial property. Ms. Schwartz circulated a petition to METRO urging them to purchase the land as an open green space and to not allow the property to be developed. (2) President Fox announced that the kick-off meeting on the HSNA Neighborhood Plan with the City-chosen consultant was scheduled for Friday, February 24th at City Hall. This meeting is to be with the HSNA officers with the goal of choosing a steering committee. Since the Association already has a steering committee, which includes the officers, committee members should plan on attending. Committee members besides the officers include Gary Hitesman, Curt Sommer, Bob Thomas, and Barbara Eden. (3) Bob Thomas explained that the City is not correct in stating that the cost of removing the water pipe in Wilderness Park would have to come from the general fund (i.e., would have to be paid by taxpayers). There are several options, including having City Public Works employees do it or having a contractor do it with the cost rolled into future SDCs. It was also noted that the verbal explanations offered when the "leave-it-in" petition was circulated were misleading in that citizens solicited were told that taking the pipe out would be a significant cost that the City could ill afford to pay. Roberta Schwartz circulated a pledge form for donations toward paying the \$350 cost for putting an argument in the Voters' Pamphlet in opposition to leaving the pipe in the ground and using it.

**NEW BUSINESS.** New member Scott Howard raised a question about recent activities regarding the bridle trail behind Palomino Way. Because the meeting had gone significantly into the time allotted to the guest speaker, Secretary Charles Lytle suggested that, in order to give the issue sufficient discussion time, it might be best to put forward a motion to add the topic as an agenda item for the March meeting.

Motion To Add Discussion Of The Bridal Trail To The March Meeting Agenda: Scott Howard

Second To The Motion: Joan Hallinan

Vote On The Motion: 16 Aye, 0 Nay, 0 Abstentions ? Motion Carried

**GUEST SPEAKER JUSTIN THORP.** Mr. Thorp's presentation was prefaced with comments from the membership on two issues: (1) the legality/illegality of the present Council violating the City Charter in regards to the placement of the water pipe in Wilderness Park without the concurrence of a vote; (2) the City's enforcement of the sections of the sign ordinance relating to temporary signs, such as those displayed during elections. Mr. Thorpe first offered the names of two area attorneys that specialize in such matters. For land use issues, he suggested Andrew Stamp (503-675-4318), and for civil rights issues he suggested Beth Allen (503-241-3103). He noted that Mr. Stamp most often represents property owners and developers, but has been known to work for land use advocacy groups such as 1000 Friends of Oregon. He also cautioned that the ACLU receives literally thousands of requests a year for representation, and thus they by necessity must be highly selective in which cases they agree to take. The ACLU is currently representing a private citizen in dispute with the city of Winston, Oregon regarding a sign placement in the citizen's yard. Selective enforcement in regards to political signs is a perennial problem in many states.

Jurisdictions often fall back on esthetic values for defense (signs too big, too colorful, etc.). However, the federal Supreme Court tends to discount this reason as valid for confiscating signs.

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The courts have often found that city codes are much too narrowly defined and thus infringe upon free speech. In legal terms, this is called a "chilling effect" in that people who want to display signs don't for fear of being fined, etc. Sometimes, legal counsel for cities will argue that any suit filed regarding selective enforcement of political signs is moot as soon as the election is over. However, this tactic can be countered by arguing that this creates a "chilling effect" during subsequent elections. This argument carries extra weight in West Linn because the elections occur every two years.

The question was raised concerning whether such lawsuits should be filed in state or federal court. Mr. Thorp noted that at the state level attorney's fees may be awarded only if the suit raises a constitutional issue. The best venue is the federal courts, where is no restriction on the awarding of attorney's fees. He concluded by noting that, if anyone feels that their rights have been violated by selective enforcement of a sign code, the situation must be thoroughly documented with photographs, eye witness testimony, etc. "I-said-they-said" arguments will not win your case.

**NEXT MEETING DATE TO BE MARCH 21, 2006**

Motion To Meet In March: by Charles Lytle

Second To The Motion: by Ingrid Mueller

Vote On The Motion: 8 Yea, 0 Nay, 0 Abstention ? Motion Carried

**ADJOURMENT.** The meeting was adjourned at 9:05 PM by President Lynn C. Fox

**CORRECTED MINUTES APPROVED BY FORMAL MOTION AND VOTE AT THE DULY-CALLED MEETING OF MARCH 21, 2006.**

- [Hidden Springs](#)

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